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Attorney General Frosh Joins Brief in U.S. Supreme Court in Support of Transportation Workers' Rights

BALTIMORE, MD (March 3, 2022) – Maryland Attorney General Brian E. Frosh today joined a coalition of 18 attorneys general in filing an [amicus brief](#) urging the U.S. Supreme Court to affirm a lower court's decision that transportation workers who load and unload interstate cargo are exempt from the Federal Arbitration Act (FAA).

The FAA requires workers to raise claims against their employer in private arbitration proceedings when they have signed an arbitration agreement; however, there is an exemption within the FAA for transportation workers. In today's brief, filed in *Southwest Airlines Co. v. Saxon*, the coalition supports Latrice Saxon, a ramp agent supervisor at Midway Airport, in her claim that she and other cargo workers fall within the FAA's exemption for transportation workers. The attorneys general assert that those workers should be afforded the right to raise claims against their employer outside of private arbitration.

"Cargo workers are essential to the interstate commerce system, and they should be treated as such under the law," said Attorney General Frosh. "Private arbitration agreements are designed to protect employers, not employees. If these labor disputes are kept confidential, states can't investigate possible unlawful or unsafe operations."

In today's brief, the coalition argues that the transportation sector plays a critical role in state economies and infrastructure, and a disruption in transportation or shipping operations caused by labor conflicts has the potential to impact nearly every aspect of commerce within a state. Because of this, the coalition asserts that states have an interest in ensuring that disputes involving transportation workers are resolved in public and transparent proceedings that allow the states to monitor such disputes and respond as necessary, as opposed to private and confidential arbitration proceedings designed by employers.

Additionally, states are better able to perform their investigatory and enforcement duties when these disputes are resolved in public forums. When workers are subject to arbitration agreements, which typically are drafted by employers and include confidentiality provisions and other protectionist terms, it's more difficult for states to gather information about the pervasiveness of unlawful practices. The coalition argues that requiring transportation workers

to arbitrate their claims would affect the amount of publicly-available information related to the working conditions of these employees, and hinder their ability to protect workers from unsafe and unlawful working conditions.

Joining Attorney General Frosh in today's brief are the attorneys general of California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Washington.

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